

County of Loudoun
Department of Planning
MEMORANDUM

DATE: May 12, 2010
TO: Loudoun County Planning Commission
FROM: Stephen Gardner, Project Manager
SUBJECT: May 19, 2010 Work Session
T Mobile Beaumeade; CMPT 2007-0011 & SPEX 2007-0009

BACKGROUND:

The Planning Commission held a public hearing on this application on March 24, 2010; no members of the public spoke for or against the application. As part of the discussion, the Planning Commission requested clarification from the Applicant regarding their agreement to the proposed Conditions of Approval, specifically Condition # 6 related to right-of-way dedication along Smith Switch Road. Additional discussion included the need to verify the Public Hearing had been properly advertised as both the extent of the Special Exception area and the property acreage had increased beyond that which was noted in the legal advertisement. To allow for the County Attorney to render an opinion on this matter, the Commission voted 8-0-1 (Syska – absent) to forward the application to Work Session. Subsequently, though it was determined that the legal advertisement was in error, the Applicant elected not to pursue a second Planning Commission Public Hearing.

Originally, this application was scheduled for the April 21, 2010 Work Session but was deferred pending the need to further clarify the limits of the Special Exception to ensure the area is inclusive of all accessory uses, including proposed landscaping, the access drive, and parking. Since that time, a third Zoning Administration referral has been completed and is attached.

DISCUSSION:

The following revisions have been made to the Special Exception plat:

- The Special Exception area has increased from 11,650 square feet to 13,250 square feet and is now inclusive of all accessory uses;
- Delineation of the Smith Switch Road ultimate centerline has been removed and notations depicting right-of-way width now state both thirty-five feet (35') and thirty-four feet (34') from the existing centerline to the property line;

- Landscaping details (i.e. individual trees and shrubs) have been removed from the Special Exception plat in lieu of a general reference to the required buffer type;
- Proposed landscaping enhancements (i.e. evergreen trees along the access drive and adjacent to the northwest perimeter of the compound) intended to mitigate the visual impacts of the telecommunications monopole and associated equipment compound have been included on the Special Exception plat; and
- Landscaping plats and details have been removed from the plan set.

The Conditions of Approval have been revised to reflect the clarifications noted in the third Zoning Administration referral. A Condition related to Metropolitan Washington Airports Authority (MWAA) notification has been included (Condition # 7), and the Condition related to Landscaping (Condition # 5) has been further clarified to reflect the removal of detailed plantings and a Landscape Plan from the plan set.

The Special Exception plat previously depicted thirty-five feet (35') of right-of-way from the ultimate centerline of Smith Switch Road to an adjusted property line, suggesting additional dedication would be needed; a condition for right-of-way dedication was developed accordingly. At the Public Hearing, the Applicant indicated the applicable right-of-way had been previously dedicated to the County and evidence would be forthcoming demonstrating such.

The Applicant has submitted documentation that details a public dedication, but it cannot be confirmed that this dedication was sufficient to accommodate the ultimate condition of Smith Switch Road. In addition, the current Special Exception plat depicts right-of-way widths of thirty-four (34) and thirty five (35) feet from the existing centerline. The plat should depict a uniform right-of-way width of thirty-five (35) feet from the ultimate centerline. Given the discrepancy in width on the current Special Exception plat and the removal of the ultimate centerline as a reference point, Staff now considers this issue, previously resolved, outstanding. Condition # 6 relative to dedication has been retained as a means to resolve this issue.

STAFF RECOMMENDATION:

Staff can recommend approval of this application, subject to the Conditions of Approval dated May 12, 2010, which mitigate the impacts of the Special Exception and resolve outstanding issues. Staff notes that a review of the Conditions of Approval by the County Attorney's Office is outstanding and will be completed prior to final action by the Board.

SUGGESTED MOTION:

- 1a. I move that the Planning Commission approve CMPT 2007-0011, T Mobile Beaumeade, subject to the "T Mobile Northeast LLC BEAUMEADE SUBSTATION" Plat dated September 21, 2009, revised through May 5, 2010, prepared by

Compass Technology Services, and with the attached Findings, and forward the application to the Board of Supervisors for ratification.

AND,

- 1b. I move that the Planning Commission forward SPEX 2007-0009, T Mobile Beaumeade, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated May 12, 2010, and with the attached Findings for Approval.

OR,

2. I move that the Planning Commission forward CMPT 2007-0011 and SPEX 2007-0009, T Mobile Beaumeade, to a Planning Commission Work Session for further discussion.

OR,

- 3a. I move that the Planning Commission deny CMPT 2007-0011, T Mobile Beaumeade, subject to the following Findings for Denial:

- 1) _____
- 2) _____
- 3) _____

AND,

- 3b. I move that the Planning Commission forward SPEX 2007-0009, T Mobile Beaumeade, to the Board of Supervisors with a recommendation of denial.

ATTACHMENTS

1. SPEX Conditions of Approval, dated May 12, 2010
2. SPEX Conditions of Approval, dated May 12, 2010 (Comparison Version)
3. Findings for Approval
4. Zoning Administration referral; dated April 16, 2010
5. Special Exception Plat; dated September 21, 2009; revised to May 5, 2010 (Attached)

SPEX 2007-0009 CONDITIONS OF APPROVAL – May 12, 2010

1. **Substantial Conformance** – This Special Exception to permit development of a telecommunications monopole shall be developed in substantial conformance with Sheets T-1, C-1, and C-2 (the "Special Exception Plat") of the plan set entitled "T Mobile Northeast LLC BEAUMEADE SUBSTATION" dated September 21, 2009, revised through May 5, 2010, prepared by Compass Technology Services (the "Plans"), and incorporated herein by reference. Approval of this application for Tax Map Number /80//13/////C/ (PIN# 060-30-2345) (the "Property") shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Lighting** – No permanent outdoor lighting shall be permitted on the facility unless otherwise directed by the County, Federal Aviation Administration, Federal Communications Commission, State or Federal Authorities.
3. **Removal of Equipment** – The Applicant or its successors shall remove all unused related telecommunications facilities and ground equipment from the site, within 90 days of cessation of commercial public telecommunications use or the expiration of the ground lease, whichever occurs first, and restore the site as closely as possible to its original condition.
4. **Design** - The Applicant shall design and maintain the monopole facility in substantial conformance with the "TOWER ELEVATION" and "COMPOUND DETAIL" profiles depicted on Sheet C-2 of the Plans. The monopoles shall include a light grey color scheme, similar to that used in the adjoining VEPCO/Dominion Power electrical substation unless otherwise directed by the Federal Aviation Administration or Federal Communications Commission. All antennae arrays and associated telecommunications equipment shall also include a light grey color scheme, consistent with that used for the monopole.
5. **Landscaping** – At the time of site plan review, the Applicant shall demonstrate that a Type 4 landscape buffer exists as required by the 1993 Loudoun County Zoning Ordinance. If the required buffer does not exist, it must be provided. In addition to landscaping required by the 1993 Loudoun County Zoning Ordinance, the following enhancements to landscaping shall be made:
 - i. Twelve (12) evergreens trees shall be planted along the eastern perimeter of the access driveway in an area consistent with that depicted on Sheets C-1 and C-2 of the Plans; and
 - ii. Four (4) evergreen trees and two (2) canopy trees shall be planted adjacent to the northwest perimeter of the compound in an consistent with that depicted on Sheets C-1 and C-2 of the Plans.

All new plantings shall be a minimum of six-feet (6') in height at the time of planting. Any diseased or dying trees shall be identified, removed and replaced in coordination with the County Urban Forester prior to site plan approval.

6. **Dedication of Right-of-Way** – The owner shall dedicate right-of-way, thirty-five (35) feet from the ultimate centerline, to accommodate the future widening of Smith Switch Road. Such right-of-way dedication plat and deed shall be submitted to the County for review, approval and recordation prior to site plan approval of the telecommunications monopole. Neither the property owner nor the Applicant shall receive compensation for the afore-mentioned right-of-way.
7. **Metropolitan Washington Airports Authority (MWAA) Notification** – Since the site is located less than five (5) miles from Dulles Airport, the Applicant shall provide verification to the County that the Metropolitan Washington Airports Authority (MWAA) has been notified in writing. Such written certification from MWAA shall be provided prior to first site plan approval.

SPEX 2007-0009 CONDITIONS OF APPROVAL – ~~March~~ May 2412, 2010

1. **Substantial Conformance** – This Special Exception to permit development of a telecommunications monopole shall be developed in substantial conformance with Sheets T-1, C-1, and C-2 (the “Special Exception Plat”) of the plan set entitled “T Mobile Northeast LLC BEAUMEADE SUBSTATION” dated September 21, 2009, revised through ~~March 23~~, May 5, 2010, prepared by Compass Technology Services (the “Plans”), and incorporated herein by reference. Approval of this application for Tax Map Number /80//13/////C/ (PIN# 060-30-2345) (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Lighting** – No permanent outdoor lighting shall be permitted on the facility unless otherwise directed by the County, Federal Aviation Administration, Federal Communications Commission, State or Federal Authorities.
3. **Removal of Equipment** – The Applicant or its successors shall remove all unused related telecommunications facilities and ground equipment from the site, within 90 days of cessation of commercial public telecommunications use or the expiration of the ground lease, whichever occurs first, and restore the site as closely as possible to its original condition.
4. **Design** - The Applicant shall design and maintain the monopole facility ~~and ground mounted equipment~~ in substantial conformance with the "TOWER ELEVATION" and "COMPOUND DETAIL" profiles depicted on Sheet C-2 of the Plans. The monopoles shall include a light grey color scheme, similar to that used in the adjoining VEPCO/Dominion Power electrical substation unless otherwise directed by the Federal Aviation Administration or Federal Communications Commission. All antennae arrays and associated telecommunications equipment shall also include a light grey color scheme, consistent with that used for the monopole.
8. **Landscaping** – ~~The Applicant shall install landscaping in accordance with the following: i. A Type 4 Buffer as depicted on the Plans shall be installed along the perimeter of the compound. The number and type of plantings along the north, south, and east boundaries of the compound shall be consistent with that required for a “Side/Rear” Buffer Yard as noted in Section 5-1414(B) of the Revised 1993 Zoning Ordinance. The number and type of plantings along the western boundary of the compound shall be consistent with that required for a “Front” Buffer Yard as noted in Section 5-1414(B) of the Revised 1993 Zoning Ordinance but shall be enhanced to include a minimum of six (6) evergreen trees per one hundred lineal foot. The six (6) evergreen trees shall be in addition to the other plantings required as part of the “Front” Buffer Yard as noted above; ii. Existing plantings may be used to meet any of the afore-mentioned buffering requirements, provided such plantings are consistent with the criteria as outlined in Section i. above. In the event that existing plantings cannot achieve the criteria as outlined in Section i. above, new plantings shall be installed until such is met; iii. A minimum of twelve~~

~~(12) evergreen trees shall be planted along the eastern perimeter of the access driveway and shall extend from Smith Switch Road to the compound entrance. Said evergreen trees shall maintain a minimum height of three (3) feet at the time of planting; and iv. All landscaping shall be maintained in good condition. Any diseased or dying trees and/or shrubs shall be replaced with plantings of a like kind in the vicinity of said plantings removed.~~ At the time of site plan review, the Applicant shall demonstrate that a Type 4 landscape buffer exists as required by the 1993 Loudoun County Zoning Ordinance. If the required buffer does not exist, it must be provided. In addition to landscaping required by the 1993 Loudoun County Zoning Ordinance, the following enhancements to landscaping shall be made:

- iii. Twelve (12) evergreens trees shall be planted along the eastern perimeter of the access driveway in an area consistent with that depicted on Sheets C-1 and C-2 of the Plans; and
- iv. Four (4) evergreen trees and two (2) canopy trees shall be planted adjacent to the northwest perimeter of the compound in an area consistent with that depicted on Sheets C-1 and C-2 of the Plans.

All new plantings shall be a minimum of six-feet (6') in height at the time of planting. Any diseased or dying trees shall be identified, removed and replaced in coordination with the County Urban Forester prior to site plan approval.

5. **Dedication of Right-of-Way** – The owner shall dedicate right-of-way, thirty-five (35) feet from the ultimate centerline, to accommodate the future ~~expansion~~ widening of Smith Switch Road, ~~consistent with that depicted on Sheet C-1 of the Plans. The Owner shall~~ Such right-of-way dedication plat and deed shall be submitted to the County for review, approval ~~execute plats and deeds for said dedication and return said plats and deeds to the applicable party for~~ and recordation prior to site plan approval ~~for~~ of the telecommunications monopole. Neither the property owner nor the Applicant shall receive compensation for the afore-mentioned right-of-way.
6. **Metropolitan Washington Airports Authority (MWAA) Notification** – Since the site is located less than five (5) miles from Dulles Airport, the Applicant shall provide verification to the County that the Metropolitan Washington Airports Authority (MWAA) has been notified in writing. Such written certification from MWAA shall be provided prior to first site plan approval.

FINDINGS FOR APPROVAL

1. Though existing tall structures (i.e. VEPCP/Dominion Power transmission line towers lining the W&OD Trail) are located proximate to the proposed site, the locating of individual telecommunications facilities and associated ground equipment on individual towers will result in a visual impact along the W&OD Trail that is greater than the visual impact of concentrating the same equipment on a single tower in one location.
2. The proposed telecommunications monopole will be located on a site, adjoining an existing VEPCO/Dominion Power electrical substation, consistent with the industrial character of the area.
3. The proposed site, proximate to the Beaumeade Corporate Park on a parcel currently zoned PD-IP (Planned Development – Industrial Park), is consistent with the policy guidance of the Strategic Land Use Plan for Telecommunication Facilities which states a preferred location for commercial public telecommunication facilities is within planned and zoned industrial and employment areas.
4. As an unmanned facility, the proposed telecommunication monopole will not directly impact area roads and the surrounding transportation network.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: April 23, 2010

TO: Stephen Gardner, Project Manager, Planning

THROUGH: Marilee Seigfried, Deputy Zoning Administrator

FROM: Nita Bearer, Planner, Zoning Administration

CASE NUMBER AND NAME: SPEX-2007-0009 & CMPT-2007-0011
T Mobile Beaumeade

LCTM: //80//13////C/ **MCPI:** 060-30-2345

PLAN SUBMISSION NUMBER: 3rd Submission (Revised)

Zoning staff have reviewed the proposed Conditions of Approval and plat associated with the subject special exception application and offer the following comments.

Conditions of Approval

Comments:

1. Condition #2 – Reference the FAA, FCC, State and Federal authorities as well as the County.
2. Condition #4 – (i) Under the 1993 LCZO, antennas and associated equipment are permitted by right. Zoning staff is concerned that requiring the “ground mounted equipment” to be designed and maintained in substantial conformance with the compound detail depicted on Sheet 2 may limit the rearrangement of the equipment within the compound or the addition of equipment. Zoning staff recommends deleting “and ground mounted equipment” in the first sentence. (ii) Reference the FAA and FCC as stated in the revised conditions.
3. Staff recommends the following revision to Condition #5:
 - a. Revise the condition as stated in the COA.
 - b. Delete sheets L1, L2, S1, and S2 from the plan set as these will be addressed at the time of site plan.
 - c. Label the existing front type 4 and the existing east side type 4 landscape buffers on sheets C1 & C2.
 - d. On sheets C1 & C2, illustrate 4 evergreen trees and 2 understory trees adjacent to the compound on the northwest front. Note that the trees shall be a minimum height of 6’ as required by Section 5-1403(A)(2).
 - e. On sheets C1 & C2, illustrate 12 evergreen trees along the eastern perimeter of the access driveway, extending between the rear of the front buffer yard to the southern

compound entrance except where clear visibility shall be provided per Section 5-300(B) at the driveway and ROW intersections. Note that the trees shall be a minimum height 6' as required by Section 5-1403(A)(2).

- f. Add a note on Sheets C1 & C2 indicating that the compound shall be surrounded by an 8' wood slat privacy fence or include this statement in the Conditions of Approval.
4. Condition #6 – For clarity, staff recommends revising the condition as stated in the revised COA.
5. Condition #7 – Staff recommends adding Condition #7 as stated to clarify the requirement for verification from the Metropolitan Washington Airports Authority (MWAA).

Please see the following recommended revisions and additions to the Conditions of Approval.

SPEX 2007-0009 CONDITIONS OF APPROVAL – March 24, 2010

1. **Substantial Conformance** – This Special Exception to permit development of a telecommunications monopole shall be developed in substantial conformance with Sheets T-1, C-1, and C-2 (the “Special Exception Plat”) of the plan set entitled “T Mobile Northeast LLC BEAUMEADE SUBSTATION” dated September 21, 2009, revised through ~~March 23, 2010~~ (insert revision date), prepared by Compass Technology Services (the “Plans”), and incorporated herein by reference. Approval of this application for Tax Map Number /80//13/////C/ (PIN# 060-30-2345) (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Lighting** – No permanent outdoor lighting shall be permitted on the facility unless otherwise directed by the County, Federal Aviation Administration, Federal Communications Commission, State or Federal Authorities.
3. **Removal of Equipment** – The Applicant or its successors shall remove all unused related telecommunications facilities and ground equipment from the site, within 90 days of cessation of commercial public telecommunications use or the expiration of the ground lease, whichever occurs first, and restore the site as closely as possible to its original condition.
4. **Design** - The Applicant shall design and maintain the monopole facility ~~and ground mounted equipment~~ in substantial conformance with the "TOWER ELEVATION" and "COMPOUND DETAIL" profiles depicted on Sheet C-2 of the Plans. The monopoles shall include a light grey color scheme, similar to that used in the adjoining VEPCO/Dominion Power electrical substation unless otherwise directed by the Federal Aviation Administration or Federal Communications Commission. All antennae arrays and associated telecommunications equipment shall also include a light grey color scheme, consistent with that used for the monopole.
5. **Landscaping** – ~~The Applicant shall install landscaping in accordance with the following:~~
 - ~~i. A Type 4 Buffer as depicted on the Plans shall be installed along the perimeter of the compound. The number and type of plantings along the north, south, and east boundaries of the compound shall be consistent with that required for a “Side/Rear” Buffer Yard as noted in Section 5 1414(B) of the Revised 1993 Zoning Ordinance. The number and type of plantings along the western boundary of the compound shall be consistent with that required for a “Front” Buffer Yard as noted in Section 5 1414(B) of the Revised 1993 Zoning Ordinance but shall be enhanced to include a minimum of six (6) evergreen trees per one hundred lineal feet. The six (6) evergreen trees shall be in addition to the other plantings required as part of the “Front” Buffer Yard as noted above;~~
 - ~~ii. Existing plantings may be used to meet any of the afore mentioned buffering requirements, provided such plantings are consistent with the criteria as outlined in Section i. above. In the event that existing plantings cannot achieve the criteria as outlined in Section i. above, new plantings shall be installed until such is met;~~
 - ~~iii. A minimum of twelve (12) evergreen trees shall be~~

~~planted along the eastern perimeter of the access driveway and shall extend from Smith Switch Road to the compound entrance. Said evergreen trees shall maintain a minimum height of three (3) feet at the time of planting; and iv. All landscaping shall be maintained in good condition. Any diseased or dying trees and/or shrubs shall be replaced with plantings of a like kind in the vicinity of said plantings removed.~~

At the time of site plan review, the applicant shall demonstrate that a type 4 landscape buffer exists as required by the 1993 Loudoun County Zoning Ordinance along the perimeter of the property on the north front and east side yards in the area of the compound. If the required buffer does not exist, it must be provided. In addition to the required type 4 landscape buffers, the applicant shall provide the additional plantings as illustrated on Sheet C1. Any diseased or dying trees shall be identified, removed and replaced in coordination with the County Urban Forester prior to site plan approval.

(If the existing type 4 landscape buffer is labeled on the plat and the additional plantings are illustrated, remove the first two sentences of this condition.)

6. **Dedication of Right-of-Way** – The owner shall dedicate right-of-way, thirty-five (35) feet from the ultimate centerline, to accommodate the future widening expansion of Smith Switch Road, consistent with that depicted on Sheet C-1 of the Plans. ~~The Owner shall~~ Such right-of-way dedication plat and deed shall be submitted to the County for review, approval ~~execute plats and deeds for said dedication and return said plats and deeds to the applicable party for~~ and recordation prior to site plan approval of ~~for~~ the telecommunications monopole. Neither the property owner nor the Applicant shall receive compensation for the afore-mentioned right-of-way.
7. Since the site is located less than five (5) miles from Dulles Airport, the applicant shall provide verification that the Metropolitan Washington Airports Authority (MWAA) has been notified in writing. Such written certification from MWAA shall be provided prior to first site plan approval.

Special Exception Plat

(If Sheet L-1 is eliminated, disregard 1 through 3.)

1. Section 5-1403(A)(2) requires a canopy tree to have a minimum caliper of one (1) inch dba and evergreen shrubs to be a minimum height of 30" at the time of planting. In the Planting Chart on Sheet L-1, provide the caliper of the proposed canopy trees and clarify the height of the proposed shrubs.
2. The quantity of plants listed in the "Quantity" column of the "Site Landscape Screening – Planting Chart" on Sheet L-1 is not consistent with the amount listed in the "Type 4 Buffer – Front (Proposed)" table.
3. Section 5-1403(A)(2) requires understory and evergreen trees to have a minimum height of 6' at the time of planting. Planting Note #16 on Sheet L-1 indicates that the trees will have a minimum height of 5'.
4. Correct the label for the front landscape buffer illustrated on Sheet C-2. The label indicates that the width of the buffer is 10', instead of 20'.
5. Throughout the plan, the parcel size provided includes the consolidated parcel size as approved in BLAD-2009-0034. On Sheet C-1, Monopole Setbacks, the acreage provided under lot requirement indicates 6.01, the parcel size prior to the boundary line adjustment. Correct the acreage size to be consistent with the BLAD-2009-0034.
6. BLAD-2009-0034 was recorded on 2/22/2010 according to the County Court records. The instrument number is 201002220009693. On Sheet C-1, remove the property boundary that existed prior to the boundary line adjustment.
7. Revise the special exception plat to illustrate the special exception area to include the compound, access driveway, parking area, area of additional plantings adjacent to the northwest front of the compound, and adequate area for the additional evergreen trees to be planted adjacent to the east side of the driveway as required in condition #5.
8. Revise the special exception plat to extend the driveway to provide access to both parking spaces.
9. Include the ground elevation on the illustration of the "Tower Elevation" on Sheet C-2.